

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:07-CR-59
)	(VARLAN/SHIRLEY)
TERRANCE L. WATERS,)	
)	
Defendant.)	

ORDER

This criminal case is before the Court for consideration of the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley Jr. on August 28, 2007 [Doc. 46]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51. Magistrate Judge Shirley concluded that there is a question of fact as to whether the defendant was predisposed to the criminal activity involved in reverse sting operation used by law enforcement in this case and therefore dismissal on the basis of sentencing entrapment or sentence factor manipulation is inappropriate. [Doc. 46 at 3.] Consequently, Magistrate Judge Shirley recommended that the Court deny defendant's motion to dismiss [Doc. 36].

The Court has carefully reviewed this matter, including the underlying pleadings. [See Docs. 36, 37, 38.] The Court is in agreement with Magistrate Judge Shirley's

recommendation, which the Court hereby adopts and incorporates into its ruling. Accordingly, defendant's motion to dismiss [Doc. 36] is **DENIED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE